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LOS ANGELES COUNTY

ONOMY AND EFFICIENCY COMMISSION

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Dr. Robert J. Downey, Chairman
Anne S. Collins, Vice-Chairman

April 11, 1977

Honorable Board of Supervisors
Los Angeles County
383, Hall of Administration
Los Angeles, Calif. 90012

Gentlemen:

SUBJECT: REQUEST FOR LEGISLATION PROVIDING FOR THE
APPOINTMENT OF 34 ADDITIONAL
SUPERIOR COURT JUDGES

Courts County LAC.

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On March 29 your Board referred the request of the Superior Court for 34 additional judges to our commission for analysis and report back to the Board in two weeks.

Our staff has conducted interviews with concerned officials, including Judge Hogoboom, Presiding Judge of the Superior Court; Frank Zolin, Executive Officer of the Court; John Van De Kamp, District Attorney; Wilbur Littlefield, Public Defender; and Ralph Kleps, Director of the Administrative Office of the Courts, Judicial Council of California. We have reviewed the relevant court reports, the reports of the Judicial Council, and a number of budgetary and other documents associated with the operation of the court.

RECOMMENDATION

We recommend that your Board reject the request of the court for 34 additional judges. Our reasons are the following:

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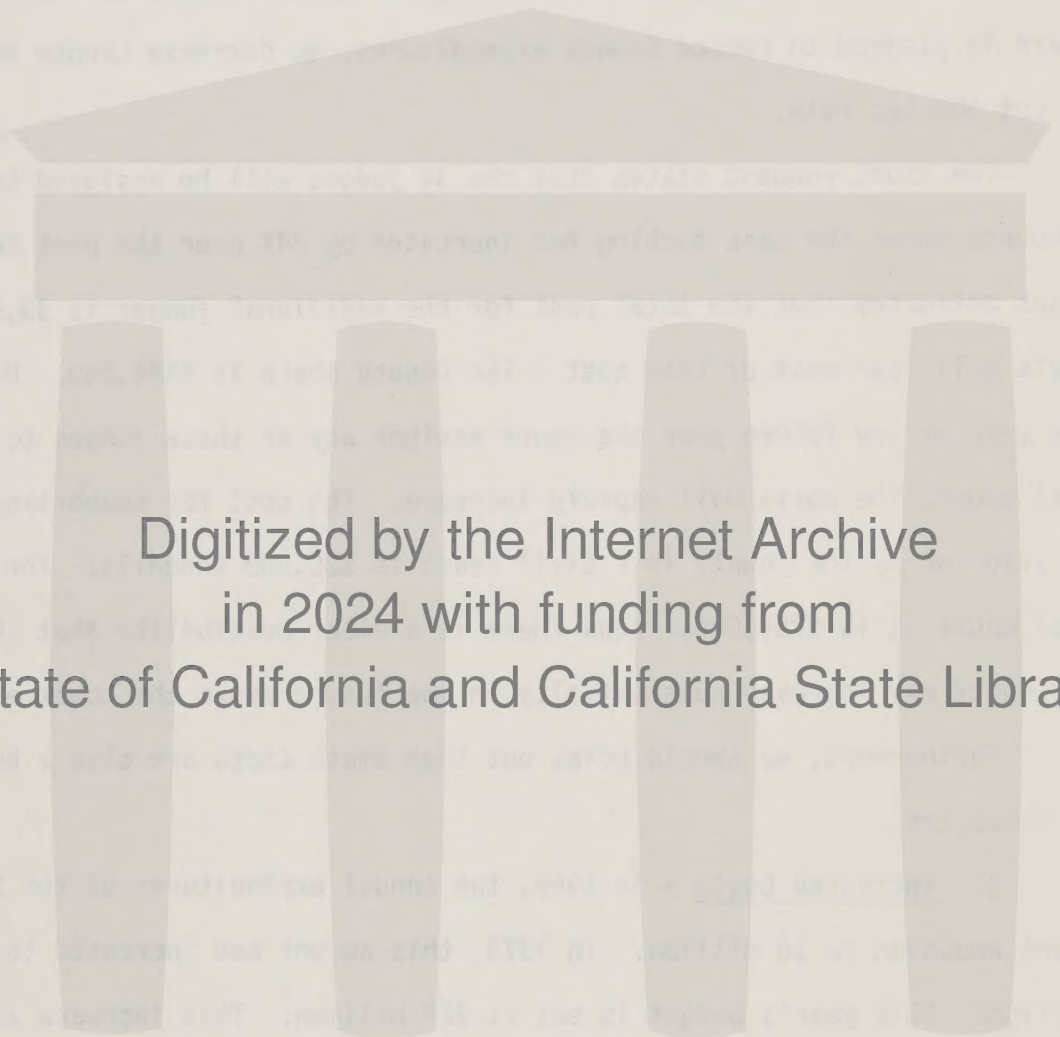
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1. Fiscal Crisis - The County is again facing a serious fiscal crisis this year. For all practical purposes, the tax monies have run out. Until the Legislature can pass an effective and equitable tax reform measure, it is incumbent on the County and all local governments to control expenditures. The Board is pledged to reduce County expenditures, to decrease County employees, and to cut the tax rate.

The court request states that the 34 judges will be assigned to the civil courts where the case backlog has increased by 34% over the past two years. The court estimates that the total cost for the additional judges is \$3,966,906. The State will bear most of this cost. The County share is \$444,540. However, if this year or any future year the court assigns any of these judges to a criminal court, the costs will rapidly increase. The cost for supporting personnel paid for by the County in a civil court is \$86,000 annually. For a criminal court it is \$254,000. Thus there is a clear possibility that the cost to the County may increase substantially in the future above the court estimate.

Furthermore, we should point out that State costs are also a burden on the taxpayers.

2. Increased Costs - In 1965, the annual expenditures of the Superior Court amounted to \$8 million. In 1973, this amount had increased to over \$19 million. This year's budget is set at \$29 million. This increase amounts to 260% since 1965. While some County functions, by comparison, have grown at faster rates, the average County increase over the period amounts to 160%. The number of budgeted positions in the courts has increased from 544 positions in 1965 to 889 in 1976, an increase of 60.5%. In addition, the average cost per case filed increased by 87%, exclusive of inflation.



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The court argues that increased caseloads and growing backlogs have created a crisis in the civil courts. Principal cause is the growing complexity of cases, such as those involving class action, consumer protection and environmental suits.

The court's solution is to ask for more judges. We believe that instead of adding more judges, the court should seek every way to improve procedures and to expedite cases in order to maintain expenditures at the present level. As we show in the next section, there appears to be room for improvement. Our conclusion is that the discipline of holding the judicial complement to the present level should have a positive effect in pressing the court to search for improvement. We urge also that the court join the Board of Supervisors in seeking legislative reform.

3. Judicial Council Findings - In his letter to the Board, Judge Hogoboom stated that the staff of the Judicial Council of California has issued an independent report "which statistically corroborates our need for 34 additional judges." This is true. The report, dated February 22, 1977, concludes that based on the system of weighted caseloads, the Superior Court will require the total of 260 judicial positions which the court is requesting.

That report, however, contains two tables which we urge your Board to examine carefully. (See attachments.) Tables III and IV compare Los Angeles Superior Court in such areas as number of filings and dispositions with ten other superior courts, each having 14 or more judicial positions on December 31, 1976. Table III shows that the courts in six other counties had a greater number of civil filings per judicial position than Los Angeles. Five courts had a greater number of criminal filings. Table IV shows that Los Angeles County ranked ninth

in number of dispositions per judicial position. That is, in terms of these measures, Tables III and IV show that Los Angeles takes longer and consumes more resources per case than a number of the other courts.

This data can be interpreted in two distinct ways. One is the view shared by Judge Hogoboom and Frank Zolin. Their position is that the Los Angeles court, which processes 40% of the total superior court proceedings in the State, is unique in its operation. They say that there are more corporations here which have the capability of conducting prolonged and skillful litigation. In addition, because of its sheer size, the region has more than its share of intricate and difficult cases. Finally, Los Angeles County has an aggressive Public Defender. This increases the probability that a case will be tried.

The second view, which we share, holds that while Los Angeles County is larger than other counties, its social problems are not radically different from other urban areas in California. The ten counties in Tables III and IV represent the principal metropolitan regions in California. All have litigious citizens, skilled lawyers, environmental and consumer action groups, and similar crime problems. Therefore, there is a strong implication in this data that the performance of the Los Angeles court can be improved.

This second interpretation is supported by other findings of the Judicial Council staff.

The information in Tables III and IV is based upon a judicial time study conducted by the staff of the Judicial Council in 1976. These time studies have been conducted periodically since 1966.

In applying the results, Los Angeles has always been measured as an entity in itself. All other courts in the State are measured together as a

single entity. This means that the measures applied to them are an average of the various court operations. The measures applying to Los Angeles reflect only the operation of the Los Angeles Court.

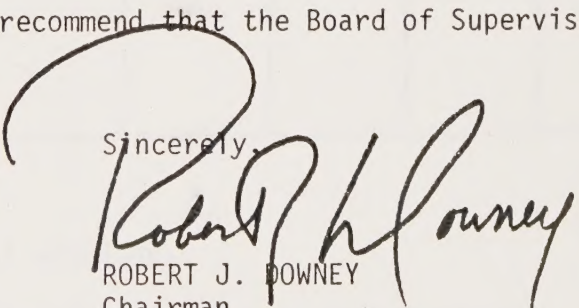
In the first draft of its report presenting the results of the 1976 time study (dated January 20, 1977), the staff of the Judicial Commission recommended for the first time that the State-wide weights be applied to Los Angeles. "The current study," the report states, " . . . shows, however, that the times required to dispose of the various categories of cases in Los Angeles fall within the range of times required in other courts. In light of these findings, there would seem to be no justification for continued use of separate weights for Los Angeles." (pp. 6-7)

On January 22, the Judicial Council in a close decision voted 8 to 7 to reject the staff recommendation and directed it to continue the practice of treating Los Angeles Superior Court as a separate entity.

This practice applied to the court's projected filings for 1977-78 results in supporting the request for 34 additional judges. On the other hand, adopting the staff's initial recommendation to apply State-wide weights to Los Angeles would show that the court has no need for additional judges.

For these reasons we recommend that the Board of Supervisors reject the Superior Court's request.

Sincerely,



ROBERT J. DOWNEY
Chairman

RJD:ml

Table III
Superior Courts Having 14 or More Judicial Positions^{a/}
Filings—Actual and Weighted
Fiscal Year 1975-76

Court	Judicial positions		Total weighted units per judicial position	Actual filings per judicial position					
				Total ^{b/}	Selected proceedings			All other proceedings	
	Total	Judges			Selected total ^{b/}	Selected as % of total	Civil ^{c/}		Criminal
Alameda	30	28 ^{d/}	85,932	1,084	382	35	291	91	702
Contra Costa	14	11 ^{e/}	85,293	1,302	333	26	253	79	970
Orange	38	33 ^{f/}	89,910	1,390	381	27	327	54	1,009
Riverside	14	13	86,400	1,172	366	31	284	82	806
Sacramento	22	20	83,345	1,173	355	30	261	94	818
San Bernardino	22	18	68,884	1,051	244	23	153	91	807
San Diego	36	33 ^{g/}	107,146	1,356	445	33	326	118	912
San Francisco	31	26	73,830	863	399	46	313	85	464
San Mateo	16	14	67,529	970	282	29	220	61	689
Santa Clara	27	26 ^{d/}	101,016	1,371	412	30	292	120	960

Los Angeles	231	171	83,772	925	366	40	279	87	558

^{a/} As of December 31, 1976.

^{b/} Columns may not add to total because of rounding.

^{c/} Comprised of personal injury, eminent domain and other civil complaints.

^{d/} Increased to 29 on January 1, 1977.

^{e/} Increased to 12 on January 1, 1977.

^{f/} Increases to 37 on date board of supervisors adopts resolution to pay local costs.

^{g/} Increased to 35 on January 1, 1977.

Table IV
 Superior Courts Having 14 or More Judicial Positions^{a/}
 Dispositions, Contested Cases Heard and Juries Sworn
 Per Judicial Position Equivalent
 Fiscal Year 1975-76

Court	No. of judicial position equivalents	Per judicial position equivalent		
		Dispositions ^{b/}	Contested cases	Juries sworn
Alameda	28.3	970	112	12
Contra Costa	13.1	1,193	137	13
Orange	37.3	1,148	74	11
Riverside	14.1	1,018	99	18
Sacramento	20.6	1,019	72	17
San Bernardino	20.1	898	94	15
San Diego	37.4	1,051	110	13
San Francisco	32.8	663	83	17
San Mateo	14.9	850	98	13
Santa Clara	28.4	1,058	89	14
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Los Angeles	232.9	781	77	11

^{a/} As of December 31, 1976.

^{b/} Excludes civil dismissals for lack of prosecution.

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